IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE C. V. RAMULU

Writ Petition No.9934 of 2005

Dated: 24-08-2006

Between:

Grandhi Sridhar,S/o Subba Rao,
Hindu, aged about 28 lyears,
Occ: Unemployee,
R/o Maneguntaqpadu(v)
Kodavalur (M)
Nellore District.

... Petitioner

and

1. The Collector, Nellore District,
   Nellore and 3 others.

...
Respondents

ORDER:

This writ petition is filed seeking *certiorari* calling for the records pertaining to the impugned proceedings in Rc.E.1593/2002 dated 31-03-2005 on the file of the first respondent confirming the orders passed by the second respondent, whereunder the orders passed by the third respondent were upheld, and to quash the same.

2. There is no necessity to go into all the details in the writ

petition.

It appears that pursuant to the notification issued on 03-05-1999 for filling up the vacancy of Fair Price Shop Dealer of Maneguntapadu village, Kodavalur Mandal, Nellore District, the petitioner and the fourth respondent applied for the same. After completing the formalities, the third respondent, Revenue Divisional Officer, appointed the fourth respondent. The fourth respondent already had 15 years of experience as Fair Price Shop Dealer and he is also a physically handicapped person. When his original appointment was challenged in W.P.No.15373 of 1989, it was held that the appointment of the fourth respondent be treated as temporary and notification may be issued. Pursuant to that, the present notification was issued and fourth respondent was selected.

3. Aggrieved by the same, the petitioner filed an appeal before the second respondent, the Joint Collector. The second respondent after a detailed consideration of the entire matter confirmed the orders passed by the third respondent appointing the fourth respondent as Fair Price Shop Dealer. Aggrieved by the same, the petitioner carried the matter before the first respondent, the District Collector, who confirmed the orders passed by the second respondent and dismissed the appeal. Aggrieved by the same, the present writ petition has been filed.

4. No question of law has been raised except saying that the fourth respondent though over-aged and not qualified, was appointed. In this regard, both the authorities, i.e., the Joint Collector as well as the District Collector after examining the entire case found that as the fourth respondent already had 15 years of experience by that time, the question of the fourth respondent becoming overage does not arise. Further, he satisfied the criteria of educational qualification as on the date of his first appointment. Under those circumstances, both the

authorities held that the order passed by the Revenue Divisional Officer does not suffer from any legal or factual infirmity. Therefore, I am of the view that the authorities have not committed any error, calling for interference of this Court under Article 226 of the Constitution of India and the petition is devoid of merits.

5. Accordingly, the writ petition is dismissed. No costs.

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JUSTICE C. V. RAMULU

Dt.24-08-2006
GLV